

**Tentative Rulings**  
**August 14, 2017**  
**Department 11**

**NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. PLEASE NOTE: Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.**

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**1:30 p.m.**  
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**GDN OF MOHAMMAD AZEEM**  
**CASE NUMBER: 29212**

**Tentative Ruling on Petition for Appointment of Guardian of the Person:** This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Mohammad Azeem. The Petition was filed by the minor’s maternal aunt (Rebecca Rutherford) and the person with whom she is domiciled (Arik Amaya). Letters of Temporary Guardianship issued on June 26, 2017. The Temporary Guardianship’s powers are set to expire today unless further extended.

Service of the Petition has only been possible on the maternal grandmother. All remaining family members are either deceased or have unknown whereabouts. The Petition requests the Court dispense with notice to the remaining family members. The Court is not necessarily disinclined to dispensing with notice, but a Declaration of Due Diligence is needed from Petitioners to more thoroughly examine Petitioners’ service efforts. See Prob. Code § 1511(g)(1).

The Court has reviewed and considered the court investigator’s report filed August 10, 2017 and agrees with the recommendation to grant the petition. The Court **FINDS** it would be detrimental for the children to be with either parent or any parent objecting to the guardianship, the guardianship is in the children’s best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable. No formal objections have been filed, but of course, the petition has not yet been properly served on the necessary parties. The Court therefore, continues this matter to **Monday, September 11, 2017, at 1:30 p.m. in Department 11** for further proceedings. Petitioners are directed to submit their Declaration of Due Diligence or establish proper proof of service on the remaining family members before the next hearing date. Temporary Orders are **ORDERED** to remain in effect until the continued date. **No appearance is necessary on today’s calendar.**

**GDN OF JAYZEN BARKLEY**  
**CASE NUMBER: 28273**

**Tentative Ruling on Petition for Visitation:** This matter is on calendar for a Petition for Visitation filed by the minor's mother. In the interest of judicial economy, the Court continues this matter to **Monday, August 28, 2017, at 1:30 p.m. in Department 11**, so that the matter can be heard contemporaneously with a competing Petition for Visitation filed by the minor's father. **No appearance is necessary on today's calendar.**

## **GDN OF HOPE BISHOP CASE NUMBER: 29214**

**Tentative Ruling on Petition for Appointment of Guardian of the Person:** This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Hope Bishop. The Petition was filed by the minor's paternal grandparents (Dana and Mose Perizzolo). Letters of Temporary Guardianship issued on June 30, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court notes consent and waiver of notice to the Petition on all parties except the minor's original paternal grandfather and the maternal grandmother. However, Declaration has been submitted documenting Petitioners' due diligence in service efforts. Having reviewed the Declaration, the Court dispenses with notice to the original paternal grandfather and the maternal grandmother, as they cannot with reasonable diligence be given notice. Prob. Code § 1511(g)(1).

The Court has reviewed and considered the Court Investigator report filed June 30, 2017 and agrees with the recommendation to grant the Amended Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable. No objections have been raised.

The Court **GRANTS** the Amended Petition. Visitation will be at the discretion of the Guardians. Court Investigator fees are to be paid. A proposed Order Appointing Guardian has been lodged and will be executed. Annual Review is set for **Monday, August 20, 2018, at 1:30 p.m. in Department 11**. **No appearance is necessary on today's calendar.**

## **GDN OF CLAYTON BOLT CASE NUMBER: 27078**

**Tentative Ruling on Further Proceedings Regarding Status of Oregon Guardianship; and Annual Review:** This matter is on calendar (1) for further proceedings to determine the status of establishing Guardianship in the State of Oregon; and (2) for Annual Review. As the Court has previously reminded the Guardian, Donna Bolt, she remains under this Court's jurisdiction until a new guardianship is established in the State of Oregon. The Court has received no proof that Guardianship proceedings have been initiated in the State of Oregon. Also, the Guardian's Confidential Annual Status Report was due to the Court July 24, 2017, but has not been submitted.

The court is considering issuing an Order to Show Cause re Monetary Sanctions in the amount of \$250.00 to the Guardian for failing to timely cause commencement of Oregon guardianship proceedings, in violation of the Court's January 13, 2017 order, and for failing to timely submit her Confidential Annual Status Report in accordance with Probate Code section 1513.2. An appearance is necessary by the Guardian to update the Court as to whether guardianship proceedings have been commenced in Oregon or to present the Court with copies of the Oregon guardianship papers. If the Guardian fails to appear, the hearing on the Order to Show Cause re Monetary Sanctions will be scheduled for **Monday, September 18, 2017, at 1:30 p.m. in Department 11**. Ms. Bolt is ordered to either establish proof of the Oregon guardianship, or submit her Confidential Annual Status Report by the continued hearing date.

## **GDN OF ANNA CARO CASE NUMBER: 27579**

**Tentative Ruling on Further Proceedings Regarding Annual Review:** This matter is on calendar for Annual Review. A Confidential Status Report relating to the Annual Review was filed July 20, 2017. It appears from the Status Report that the minor has been getting fantastic grades in school, and that she has been living with her mother for over a year. **An appearance is required by the Guardian to discuss the status of the Guardianship and whether there are any plans for termination. The court may consider suspending guardianship and set a review of this matter in five or six months or invite a petition for termination.**

## **GDN OF KAYDEN CECIL CASE NUMBER: 28068**

**Tentative Ruling on Status Conference:** This matter is on calendar for a Status Conference regarding visitation between the minor and his mother. The Court previously encouraged the parties to work together to allow more time for the minor to visit his mother. **An appearance is required by the parties to discuss the status of visitation.**

## **GDN OF PASSIONNA CLARK CASE NUMBER: 28668**

**Tentative Ruling on Further Proceedings Regarding Annual Review:** This matter is on calendar for Annual Review. A Confidential Status Report relating to the Annual Review was filed July 20, 2017. The Court notes that Item 5 of the Status Report has not been filled out. Also, the Status Report indicates regular visits with the mother and that the Guardianship may no longer be necessary. **An appearance is required by the Guardian to discuss the status of the Guardianship and whether there are any plans for termination.**

**GDN OF JOSIAH AND SAMARA DUBEAU  
CASE NUMBER: 28881**

**Tentative Ruling on Petition for Termination of Guardianship and for Appointment of Counsel for the Minors:** This matter is on calendar for further proceedings on a Petition for Termination of Guardianship filed by the minors' parents, Micah DuBeau and Christina DuBeau. It is also on calendar for an Ex Parte Request for Appointment of Counsel for Minor filed by the minors' Guardians, Trudy Hall and Mark Hall.

The Court previously ordered both parents to be randomly drug tested. The Court has since received a Declaration submitting negative tests for both parents. The court is also received and considered the Court investigator's report of August 10, 2017 and agrees with the recommendation to deny the petition for termination. The court finds it would be detrimental for the children to be returned to either parent at this time as there is been no proof that they have completed substance abuse counseling. Further, it appears there may be some instability on the part of the parents with regard to the relationship. It also appears that the father may be facing criminal charges in the state of Washington.

As for the Ex Parte Request for Appointment of Counsel, the Court will address the matter at this time. **An appearance is necessary to address the Guardians' Request for Appointment of Counsel and whether the minor's parents are going to pursue the petition for termination or withdraw it.**

**GDN OF KAYTLIN AND AUSTIN FULK  
CASE NUMBER: 28170**

**Tentative Ruling on Annual Review and Order to Show Cause re Sanctions:** This matter is on calendar for (1) Annual Review; and (2) hearing on an Order to Show Cause re Sanctions issued on June 23, 2017 for failure to file an Annual Status Report and failure to appear at the June 12, 2017 Annual Review hearing.

Letters of Guardianship issued to the maternal grandmother (Cynthia Johnson) on February 3, 2015. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than May 30, 2017, but was never filed. When the Guardians failed to appear at the June 12, 2017 Annual Review hearing, an Order to Show Cause re Monetary Sanctions issued with hearing scheduled for today's date.

No response to the Order to Show Cause has been filed. **As such, sanctions are hereby imposed in the amount of \$250.00.** An Order to Show Cause re Termination of the Guardianship shall issue to Guardian Cynthia Johnson for failure to timely submit an Annual Status Report and for failure to adhere to the Court's prior orders, with a hearing date of **Monday, September 18, 2017 at 1:30 p.m. in Department 11**. The clerk is **directed** to prepare the separate Order to Show Cause, and to refer this matter to the Department of Children and Family Services (CFS) for help in locating the Guardian and minors. The Annual Review hearing, scheduled for today's date, is continued to **Monday, September 18, 2017 at 1:30 p.m. in Department 11** for further proceedings. The Guardian is **ORDERED** to submit their Annual Status Report at least three (3) court days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

**GDN OF UNBORN HALL  
CASE NUMBER: 29217**

**Tentative Ruling on Petition for Appointment of Guardian of the Person:** This matter is on calendar for a Petition for Appointment of Guardian of the Person of minor, Unborn Hall. The Court has been advised that a dependency petition has been filed in relation to this minor. The dependency petition was filed on August 4, 2017, Case No. 3105701. In light of the dependency petition, the Court suspends the temporary guardianship orders previously issued on July 3, 2017.

Dependency matters take precedence over guardianship cases and so the Court intends to dismiss this guardianship case. If it dismissed the clerk is **directed** to close this file. **No appearance is necessary on today's calendar.**

**GDN OF JAMES OYOGUE  
CASE NUMBER: 29149**

**Tentative Ruling on Further Proceedings Regarding Petition for Appointment of Guardian:** This matter is on calendar for further proceedings regarding whether to grant the Petition for Appointment of Guardian of the Person of minor, James Oyogue. The Petition was filed by Jesus Hernandez, the maternal grandfather. A Temporary Order Appointing Temporary Guardians issued May 1, 2017 and had its powers extended to today. The powers are set to expire today unless further extended.

The Court has received the report of the Court Investigator, which recommends that this Petition be denied. The Court agrees with the recommendation. The minor is currently pending charges in Juvenile Court, making wardship an imminent possibility in this case. If wardship is granted, the minor would fall under the care, custody, and control of the Probation Department, depriving the Court of jurisdiction. Also, it appears that the minor has been struggling with the grandfather, and has been a runaway from the grandfather's home for several weeks, with his current whereabouts unknown. The grandfather and mother are reported as having a caustic relationship, which would make issues relating to visitation and reunion very difficult to manage. Given the state of affairs, the Court simply cannot find that Guardianship is in the minor's best interests.

The Court intends to deny the petition based upon the investigator's report. The Court also intends not to renew the temporary guardianship orders issued on May 1, 2017. If the petitioner is going to pursue this further, the Court will discuss with minor's counsel and the petitioner the need to set a hearing. Given the fact that the minor's whereabouts are currently unknown, it may be premature to set a hearing. The petitioner may also be considering the withdrawal of his petition for guardianship.

**GDN OF KASE PEPPER  
CASE NUMBER: 29205**

**Tentative Ruling on Further Proceedings Regarding Petition for Appointment of Guardian of the Person:** This matter is on calendar for further proceedings regarding a Petition for Appointment of Guardian of the Person of minor, Kase Pepper. The Petition was filed by a non-relative, AnnaJane McGrew. No request was made for Temporary Guardianship powers.

At the prior hearing, the Court noted that item 7 on the Confidential Guardian Screening Form was not checked. A new Confidential Guardian Screening Form has now been filed that provides a response to item 7. With that minor issue resolved, the paperwork now all appears to be in order. The Court has reviewed and considered the CFS report filed July 10, 2017 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable. No objections have been raised.

The Court **GRANTS** the Amended Petition. Visitation will be at the discretion of the Guardians. Court Investigator fees are to be paid. A proposed Order Appointing Guardian has been lodged and will be executed. Annual Review is set for **Monday, August 20, 2018, at 1:30 p.m. in Department 11**. **No appearance is necessary on today's calendar.**

**GDN OF KAYDAN SHERMAN  
CASE NUMBER: 29220**

**Tentative Ruling on Petition for Appointment of Guardian of the Person:** This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Kaydan Sherman. The Petition was filed by a potential paternal grandmother of the minor named Diane Sherman. Letters of Temporary Guardianship issued on July 3, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court notes proof of service of the Petition and Notice of Hearing on all parties except the minor's mother, Ruby Epperson. Also, the Petition sets forth an interesting issue regarding service on the father's side of the family, as paternity is apparently in dispute. Not even Petitioner knows if she is related to the minor by blood at this time. However, Petitioner has set forth in her Declaration that the minor has taken her family's last name, and that she and her son (Dion Sherman) have been providing for the minor and raising him since birth. This is enough to at least establish Dion Sherman as the presumed parent under Family Code section 7611, subdivision (d), which sets forth that the presumed parent is the party that receives the child into his or her home and openly holds out the child as his or her natural child. As such, the "Sherman" family is the proper family for service, and service is also needed on the presumed paternal grandfather, Dean Sherman Sr. The Court notes that Petitioner has obtained consent and waiver of notice from the other potential father, Justin Tucker. The Court dispenses with any further notice to the Tucker family, as the giving of any further notice to them without established paternity would be contrary to the interest of justice. Prob. Code § 1511(g)(2).

In addition to the issues surrounding service, the Court has not received a CFS report. A Request for Continuance was received from CFS, requesting this matter be put over to August 28, 2017. However, the Court instead continues this matter to **Monday, September 18, 2017, at 1:30 p.m. in Department 11**, to provide the Petitioner with additional time to serve the mother and presumed paternal grandfather, and to provide CFS with additional time to provide a report. Temporary orders shall remain in effect until the continued hearing date. Petitioner is ordered to file a New Notice of Hearing with the continued hearing date on the parties identified above in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

**GDN OF TRESSIE SINGLETON  
CASE NUMBER: 27367**

**Tentative Ruling on Annual Review:** The Petition for Guardianship of the Person was originally filed November 29, 2012 by Shana Lyons. On January 7, 2013, Ms. Lyons was appointed Guardian of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than July 24, 2017. The report has recently been submitted on August 9, 2017. The report is accepted by the court and no appearance is necessary. Annual review is set for **Monday, August 20, 2018, at 1:30 PM in Department 11.** **No appearance is necessary on today's calendar**

**GDN OF JULIA AND WYATT WILLIAMSON  
CASE NUMBER: 28224**

**Tentative Ruling on Annual Review:** The Petition for Guardianship of the Person was originally filed March 23, 2015 by Mark Williamson. On August 10, 2015, Mr. Williamson was appointed Guardian of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than July 24, 2017. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and to submit her Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

**GDN OF DESTINY YOUNG  
CASE NUMBER: 26202**

**Tentative Ruling on Annual Review:** This matter is on calendar for Annual Review. A Confidential Status Report relating to the Annual Review was filed August 2, 2017. **An appearance is required by the Guardian to discuss the Status Report.**

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3:00 p.m.

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**GDN OF JASMINE GITCHELL, LINDA HARTMAN, MATTHEW HARTMAN, AND DAVID HARTMAN  
CASE NUMBER: 28828**

**Tentative Ruling on Further Proceedings Regarding Petition for Visitation:** This matter is on calendar for further proceedings on a Petition for Visitation filed by the minors' father. **An appearance is necessary to apprise the Court on the status of visitation.**

**GDN OF TAYLOR OTTEN, JASMINE OTTEN, AND AMBER OTTEN  
CASE NUMBER: 27275**

**Tentative Ruling on Further Proceedings Regarding Petition to Terminate Guardianship:** This matter is on calendar for court trial on a Petition to Terminate Guardianship filed by the minor's mother. **The parties are to appear for trial.**